

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**UNITED STATES OF AMERICA,***Plaintiff,*

v.

**LAWRENCE JOSEPH  
FLORENTINE,***Defendant.*CRIMINAL ACTION NO.  
6:22-CR-01012-001**SENTENCING MEMO  
AND REQUEST FOR  
DOWNWARD VARIANCE  
SENTENCE**

Defendant Lawrence Florentine has pled guilty to charges stemming from the killing of his wife and faces sentencing by this Court. He has accepted responsibility for his actions since shortly after this arrest on Kentucky state murder charges. While there has been extensive litigation in this case, all of that litigation centers on ensuring Florentine is sentenced for what he did, as opposed to any denial of responsibility for the crime at issue. In keeping with the Court's duty to impose a sentence that is "sufficient but not greater than necessary" the Court should sentence Florentine to a sentence between 144 and 240 months. The PSR, as calculated, does not reflect the intent of the Sentencing Commission in promulgating a guidelines range that reflects the true conduct of the Defendant. Similarly, any request by the Government for an upward departure of variance should be denied.<sup>1</sup>

Larry Florentine was a successful and well-educated businessman who has no criminal history. He suffered a severe injury in the military that resulted in lifelong disability. Despite that injury, he was able to continue his life and build a successful and law-abiding history until he married the victim in this case, Nicole Zahnd. While he accepts responsibility for his criminal actions, he cannot be sentenced without the Court understanding the full context of the relationship with Zahnd. The Government and the pre-sentence report have crafted a story of a cold-blooded murder and a volatile and

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<sup>1</sup> Counsel received the Government's motion for an upward variance and/or departure as well as this Court's notice of consideration of such a variance. Counsel will file a short response to the arguments presented by the Government prior to the end of the week.

violent relationship for which Larry is solely responsible. This is not the case.

Prior to Larry suffering a severe injury in Italy that would significantly aggravate his prior military injury, his life was that of a typical American success story. His military career was admirable. He raised good children. He had multiple great jobs across the country in Colorado, Georgia, and South Carolina. He had mortgages, and family vacations; he had his version of the American Dream. There were stressors, and things were not perfect, but it was a good life. Eventually, he started his own business, YRRAL, which became remarkably successful rather quickly.

When Larry was injured on a vacation with his family in Italy, his life took a bad turn. The physical pain stole from Larry many things, including his identity as a hardworking and active man who was always looking for the next big idea. Eventually, the physical pain became emotional pain. The resulting life changes were devastating. His relationship with his college-aged children became strained. His business began to struggle as Larry underwent more debilitating surgeries. One day, Larry awoke to find his wife had left. Only a note remained with the joint bank account drained. Candidly, Larry was suicidal.

Larry was hardly getting out of bed at this point. His landscaper, John Wayne Grice, introduced Larry to John's daughter Nicole Zahnd. Unbeknownst to Larry, Zahnd had recently been released from federal prison. She began as Larry's caretaker. She moved in. Soon enough, Larry and Zahnd were together, suddenly married. Larry saw her as a life raft saving him from the depths of his despair.

The volatile dynamic that soon ensued needs context. Larry had absolutely no contact with the world that Zahnd was about to introduce him to. Larry had never been in trouble with the law, it would not even have been something conceivable to him. When Zahnd was sentenced to 63 months in federal prison, this is how the United States described her: "The defendant will have just turned thirty years of age when she is sentenced and yet she is in the criminal history category VI with a total of 34 points, two points were added because she was under sentencing in six (6) other criminal cases. Her

guideline range is a result of the defendant's continued lack of respect for the law by choosing to continue to commit crimes." (*United States v. Zahnd*, 3:13-cr-51, Sentencing Memorandum, United States District Court for Eastern District of Tennessee, DE 16, p.2). The United States continued: "Society does not need to be a continual victim of this defendant." *Id.* at p.3. Zahnd's own sentencing memorandum acknowledged "serious mental health issues" including "bipolar with mania." (*US v. Zahnd*, 3:13-cr-51, Defendant's Sentencing Memorandum, United States District Court for Eastern District of Tennessee, DE 20, p.1). According to the memorandum, "[t]he wide mood swings and her attempts to self-medicate certainly contributed to the criminal history shown in the report." *Id.*

Counsel is not providing this context as an attempt to blame the victim. The goal is for this Court to understand the collision that was Larry meeting and falling in love with Nicole Zahnd. Larry did not know anything about her past when they became involved romantically. The serious drug use, the illegal guns, the fraud, were all foreign to Larry's sensibility about the world. And this happened when Larry did not have a strong sense of his personal identity. He had lost the will to live. While it does not excuse what happened to Zahnd, Larry was taken advantage of by her.

As his "caretaker," Zahnd had a means of helping Larry out of bed: methamphetamine.<sup>2</sup> Larry was suddenly able to move about, but this was the opposite of a miracle drug. Larry joined Zahnd in her near constant use of methamphetamine. He was introduced to drug dealers and nights without sleep. His business failed. He had to sell one of his houses (which was also related to the divorce). He gave Zahnd a good portion of his remaining money to open a car dealership, Zahnd Automotive. This did not go well (convicted felons are not supposed to be car dealers). Zahnd began using Larry's credit history to open credit cards. She was transferring money to her accounts. She would

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<sup>2</sup> This is consistent with Zahnd's belief methamphetamine was a cure for mental health issues. In the previously cited sentencing memo from her criminal case in the Eastern District of Tennessee her counsel references Zahnd's belief that "... 'speed' ... calm[ed] her rather than impair[ed] her ability to act." *Zhand* Sentencing memo, DE 20, at p.2.

routinely log into Larry's accounts and pretend to be him for financial transactions. The entire property was put in her name and taken out of Larry's name (it would later be transferred back to Larry). Finding evidence of new schemes became a constant in Larry's life. Zahnd posted Larry's motorcycle on eBay, and then bid on it with Zahnd Automotive's account. Zahnd began bidding on abandoned storage units all over the place. Zahnd and Larry then began renting storage units themselves to store all the junk being accumulated.

Counsel has reviewed the emails (counsel spent approximately 80 hours reading the emails). There were small-time schemes aplenty. This was all consistent with Zahnd's extensive fraud history. In short order, Larry had no money. He could not pay the mortgage. He could not pay the many truck loans for his business. He disappeared from his prior life. His family kept reaching out, and he was not answering. During this time period, Zahnd was telling Larry over and over again that he needed to kill himself.

Then came the criminal cases. Expensive stolen equipment was found on the property. Larry and Zahnd were both charged. Larry made Zahnd's federal supervised release officer aware of her drug use. This did not go well. Zahnd was now at risk of returning to prison and she blamed Larry. She pressured Larry to take the fall for the stolen equipment (despite some pretty incriminating fingerprint evidence against her) or else she would be sent to prison. This is not to say that Larry did not engage in some controlling behavior himself. But the controlling behavior went both ways. Zahnd always had about 4 phones at a time. She also would take Larry's phones and not permit him to use them.

Larry ultimately left South Carolina (more on this later). Soon after, Zahnd was sent back to jail. Larry moved in with his sister in Connecticut and began to rebuild his life. Zahnd began emailing him from jail, claiming she had found religion and wanted to reconcile. As part of that reconciliation, she wanted him to drop fraud charges against her and help her get out of jail. He fell back under her spell and attempted a reconciliation.

Larry takes full responsibility for this killing, as evidenced by his plea of guilty. Yet the Court must consider all mitigation in fashioning an appropriate sentence. The

combination of a law-abiding life, successful military and business career, and the accelerated downward spiral after meeting must be considered in reaching the right sentence in this case.

### **ADVISORY SENTENCING GUIDELINES**

The pre-sentence report (PSR) in this case calls for a total offense level of 37. In turn, that total offense level advises a sentencing range of 210 to 262 months. Additionally, Count 4 calls for a consecutive 10-year sentence, resulting in a total range of 330 to 382 months in prison.

Larry has lodged a number of objections to the PSR. Many of them are intended to show the Court the true context of the relationship between Larry and the victim and do not affect the advisory guidelines range. However, they are critically important to the Court's sentencing decision based on the Government's framing of the facts and apparent request for an upward departure or variance. Defense counsel intends to challenge those facts at sentencing, so the Court has the proper picture of this case.

From a legal standpoint, Defendant has objected to the 2-point enhancement for obstruction of justice because he has also been charged with obstruction of justice for the same conduct and the charges and enhancement result in impermissible double-counting. After reading the case law cited by the United States Probation Office, counsel believes they are correct as to the law and withdraws that objection.

However, counsel will also argue at sentencing that a variance is warranted based on the fact Larry turned himself in when he learned there was a warrant for his arrest. He bonded out the same day and checked into a hospital for psychological treatment, as opposed to making any attempt to flee. After his arrest, he provided evidence to South Carolina authorities that has been used against him. He has not obstructed this investigation in any material manner and will argue a variance is appropriate.

**18 U.S.C. § 3553(a) FACTORS**

**Nature and circumstances of the offense and history and characteristics of the Defendant.**

**1. Nature and circumstances of the offense.**

The Government has premised its case on domestic violence, which in turn relates to the relationship between Larry and Zahnd. To understand how the relationship progressed to Zahnd's tragic death, the Court should fairly consider both sides of the relationship as opposed to the one-sided story told in the PSR.

It is clear from emails produced in discovery there were multiple attempts by Zahnd to control communication with Larry and she would often use control over the phones to control him:

**Subject:** Trying to reach you  
**From:** Lil Vozzolo <lil.vozzolo@gmail.com>  
**To:** Larryflorentine <larryflorentine@yahoo.com>  
**Date Sent:** Tuesday, December 3, 2019 9:22:06 AM GMT-05:00  
**Date Received:** Friday, April 17, 2020 6:47:54 PM GMT-05:00

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Hey Larry it's Lil I tried to call you this morning Tuesday morning and your phone says unable to complete your call because of calling restrictions so what does that mean? I also tried to send you a text and that didn't go through either has Nikki turned off your phone again? Please reach out to me call me or email me, talk to you soon I hope

Beginning in December of 2019, Zahnd made a series of domestic violence allegations against Larry. She would retract them later, but Larry was arrested and put in jail for the first time in his life. After two months, he was released to live with his sister Lil in Connecticut. Larry was clean, and he took considerable steps to return to his former self. He was accepted to Liberty University's divinity program. He inquired about vocational rehab:

**Subject:** Vocational rehabilitation  
**From:** Larry Florentine <larryflorentine@yahoo.com>  
**To:** kimberly.early@va.gov  
**Date Sent:** Thursday, February 20, 2020 1:39:36 PM GMT-05:00  
**Date Received:** Friday, April 17, 2020 6:27:49 PM GMT-05:00

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Kimberly,

My name is Larry Florentine and I am inquiring about an application for vocational rehabilitation. I recently got excepted to liberty University and have registered for classes for the March semester. I am looking for some assistance please. You can reach me at the email above or my phone number is 860-986-3041. Thank you and have a blessed day!

Larry Florentine

Larry got a bank account to start anew with his finances. He met with and paid the retainer to a divorce attorney. The state authorities agreed to drop the domestic violence cases if Larry completed some classes. Around this time, Larry needed his truck back. He traveled to South Carolina with Lil. With a police escort, he went to retrieve the 2016 Ford F250. Deputy Taggart and other officers were present when Zahnd showed up. She told the police that the truck was repossessed four months prior. Police checked records, and the truck had not been repossessed. Larry began looking into all his debt once he was out of jail. He found almost \$100,000 in collections stemming from new cards from Discover, USAA, Kohl's, Home Depot and others.

Unfortunately, the bank for Larry's new account sent his new debit card to his address in South Carolina. Zahnd intercepted the card and immediately began withdrawing cash from Larry's new account. She was charged with theft.

#### **Primary Narrative By Christopher Price, 02/06/20 08:07**

On February 5, 2020, Det. Price was contacted by Lawrence Florentine and Lillian Vozzolo by phone. Florentine stated that he and his sister, Lillian, opened a joint account with Bank of America. Florentine stated that his bank card must have been accidentally shipped to his old home address in Rock Hill. Florentine, who now lives on CT with his sister, stated that someone activated the card and withdrew \$400 from the Bank of America ATM at 2326 Dave Lyle Blvd. Florentine stated that he believed the suspect was his estranged wife, Nicole. Florentine stated this is a new bank account that Nicole has never had access to and does not have permission of consent to use.

The card was used on January 29, 2020 around 4:30pm.

A search warrant for video was obtained. The case will be admin closed pending a response.

#### **Supporting Narrative By Christopher Price, 03/02/20 12:06**

On March 2, 2020, Det. Price obtained warrant 2020A4620300687 for Financial Transaction Card Fraud with a Property Crime Enhancement against Nicole Florentine. Nicole has numerous prior convictions for property crimes. Nicole was entered into NCIC as wanted, and the case is admin closed.



Soon enough, Nicole was locked up for all the violations of her federal supervised release. She constantly tried to get in touch with Larry from jail. At first, Larry was advising his lawyer about the unwanted contact:

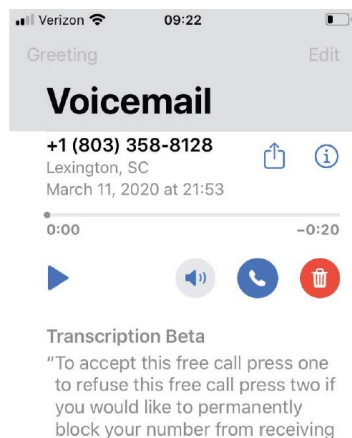
**Subject:** Nicole Florentine  
**From:** Larry Florentine <larryflorentine@yahoo.com>  
**To:** "Robert A. Bruce" <robert.bruce@thebrucefirm.com>, Lil Vozzolo <lil.vozzolo@gmail.com>  
**Date Sent:** Friday, February 21, 2020 3:29:04 AM GMT-05:00  
**Date Received:** Friday, April 17, 2020 6:17:46 PM GMT-05:00  
**Attachments:** image1.png,image2.png,image3.png

Robert,  
 Nicole contacted me last night. She told me to write the solicitors office and tell them that she had nothing to do with the receiving stolen property and Chop Shop charges. She said she didn't want to go back to jail for 53 months. She told me she was going to my preliminary hearing and she would see me there. Also, she told me that the truck was repossessed and that she didn't have it and said she canceled the insurance claim that I put in with Geico. She sent me an email just after midnight disguised as a friend of mine, Jeff Write.

**Subject:** Florentine  
**From:** Larry Florentine <larryflorentine@yahoo.com>  
**To:** "Robert A. Bruce" <robert.bruce@thebrucefirm.com>  
**Date Sent:** Thursday, February 27, 2020 4:18:58 PM GMT-05:00  
**Date Received:** Friday, April 17, 2020 6:17:11 PM GMT-05:00

When Nicole called me the other night she said she was going to kill herself if I didn't write the solicitors office. Won't stop harassing me and told me the same thing when I was in jail.

Sent from my iPhone



Larry's lawyer hired a private investigator to find the truck. The truck was located. The



license plate on the truck did not match Larry's tag, but the VIN number did. In fact, the license plate came back registered to John Grice, Zahnd's father who introduced Zahnd to Larry. The steering column on the truck had been completely removed. Larry's lawyer was able to show the state prosecutors that Zahnd had lied to the police about the truck being repossessed. Larry was in good shape to resolve all his cases.

Zahnd eventually got in touch with Larry. Things went downhill from there. She convinced him that they should not get divorced. Larry sent a request for a refund to his divorce lawyer.

**Subject:** Refund Of Minimum Fee  
**From:** Susan Turner <susan@collinsfamilylaw.com>  
**To:** "larryflorentine@yahoo.com" <larryflorentine@yahoo.com>  
**Cc:** Elizabeth Cribbs <elizabeth@collinsfamilylaw.com>, Carrie Quick <carrie@collinsfamilylaw.com>  
**Date Sent:** Monday, March 23, 2020 12:00:05 PM GMT-04:00  
**Date Received:** Friday, April 17, 2020 8:45:49 PM GMT-04:00

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Larry

We have refunded the balance of 4814.42 to your credit card on which you paid your minimum fee. You paid 5000 towards the case matter and we have deducted our CC fee and the open invoice for the work we began before you asked we refund the money back.

The refund should be back on the card within about 7 days or so.

If you have any questions please let me know.

Susan

Larry returned to South Carolina. Zahnd was constantly reaching out from jail. She convinced him to try to drop the theft charges.

**Subject:** Nicole Florentine bond  
**From:** Lawrence Florentine <larryflorentine810@gmail.com>  
**To:** deborah.dawson@cityofrockhill.com  
**Date Sent:** Wednesday, April 1, 2020 10:09:12 PM GMT-04:00  
**Date Received:** Wednesday, April 1, 2020 10:09:14 PM GMT-04:00

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Deborah,  
 I left you a voicemail tonight around 6 PM. But, I didn't want to take a chance and not get an opportunity to speak with you. My wife and I are still newlyweds and we've had a few problems. I love my wife dearly and I hate what has happened. I made a mistake by filing this police report. The ATM card and account is in my name, Larry Florentine and the \$400 that Nicole took was "our" money. Bank of America agrees with me that this was not fraud as she is my wife. I have requested multiple times for the police, officers Price and Riviera to have this warrant and the charges dropped. Unfortunately, they would not assist me. I would like you to understand that this was a misunderstanding between Nicole and I and I do not want charges brought against her. I was informed that the officers contacted my sister, who is not listed as a victim here and the money that was taken was not hers. I do not want her incarcerated and I am Respectfully requesting that the charges be dropped and Nicole be released.

Thank you for your assistance.  
 Larry Florentine  
 860-986-3041

From jail, Nicole convinced Larry they should get back together. Her own words, as shown below, do not paint a picture of Larry being the manipulative one.

NICOLE ZAHND (407324) View All  
Lexington County Detention Center  
Monday, March 30, 2020 10:00 AM

**HELLO LOVE, I JUST GOT OFF THE PHONE WITH YOU. THANK YOU FOR GETTING MY STUFF. I APPRECIATE IT. I MISS YOU SO MUCH. I FEEL LIKE TODAY IS GOING TO TAKE FOREVER. JUST KNOW I WOKE UP EARLY AND STARTED PRAYING FOR US. PRAYING FOR TOMORROW. PRAYING THAT I WILL BE IN YOUR ARMS TOMORROW. LET ME KNOW ANY UPDATES YOU FIND OUT IF YOU GET ANY BEFORE LUNCH. I AM GOING TO TRY TO STAY OFF THE PHONE. BUT I CANT MAKE ANY PROMISES, I MISS YOU AND I LOVE YOU AND AM SO FREAKING EXCITED..**

Sent from my iPhone

**HAPPY HAPPY HAPPY!!!!**

NICOLE ZAHND (407324) View All  
Lexington County Detention Center  
Sunday, March 29, 2020 3:33 PM

**I LOVE YOU AND I AM SO EXCITED. I WANT TO BE WITH YOU SO BAD. KEEP YOUR CHRISTIAN MUSIC PLAYING KEEP LOOKING UP, KEEP SMILING! I CANT WAIT TO BE IN YOUR ARMS. DONT FORGET THAT YOUR WIFE LOVES YOU!**

**Subject:** My lover  
**From:** Lawrence Florentine <larryflorentine810@gmail.com>  
**To:** My Nikki Florentine <nicoleflorentine83@gmail.com>  
**Date Sent:** Tuesday, March 31, 2020 9:24:17 AM GMT-04:00  
**Date Received:** Tuesday, March 31, 2020 9:24:17 AM GMT-04:00

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**C.S. LEWIS**

NICOLE ZAHND (407324) View All  
Lexington County Detention Center  
Sunday, March 29, 2020 10:12 AM

Reply Delete Messages

**ORDER YOURSELF EYES FORWARD- CHAPTER 8 OF 2 CHAIRS. THERE ARE FAR, FAR BETTER THINGS AHEAD THAN ANY WE LEAVE BEHIND. C.S. LEWIS 1.GO TO YOUR 2 CHAIRS AND TALK IT OVER WITH GOD. LEAVE NOTHING OUT. THAT INCLUDES THE REAL FEARS YOUR FACING AS WELL AS ALL THOSE WILD IMAGINATIONS ABOUT THE WORST THINGS THAT MIGHT (BUT MOST LIKELY WILL NOT) HAPPEN.GOD WANTS TO HEAR ALL OF THEMHE KNOWS THAT YOUR FEARS HAVE THE ABILITY TO TAKE YOU HOSTAGE IF YOU LET THEM.DONT! SURRENDER THEM TO GOD. 2.MAKE THE EXCHANGE! THAT IS, GIVE GOD THE SADNESS , GUILT, SHAME, DISAPPOINTMENT, WORRY OR WHATEVER IS ON YOUR MIND TODAY. AND THEN LEAVE IT WITH HIM. NOW THIS IS IMPORTANT.DONT WALK IN AND PRAY ABOUT YOUR PROBLEMS EACH DAY AND NEVER MAKE THE EXCHANGE. IF YOU DO YOU WILL MISS OUT ON THE PEACE JOY INSIGHT WISDOM POWER AND FAVOR THAT GOD PROMISES HE WILL GIVE YOU. YOU CAN TRUST HIM. HIS PERFECT PEACE WILL CALM EVERY CIRCUMSTANCE AND GIVE YOU THE COURAGE AND STRENGTH TO WAIT FOR HIS PERFECT TIMING. 3. THANK HIM IN ADVANCE FOR HELPING YOU! EVEN IF THERE ARE ROUGH TIMES AHEAD BEING THANKFUL IN THE MIDST OF YOUR TROUBLE HAS AN AMAZING EFFECT ON YOUR ATTITUDE.( OUR ROUGHEST TIME IS BEHIND US BABY) AND CONFIDENCE TO CLAIM THE VICTORY OVER THE TROUBLE. TRUST HIM AND ORDER YOURSELF EYES FORWARD!! WHEN FACING TROUBLED TIMES THESE THREE TIPS ARE GAME CHANGERS. WHEN YOU BRING ALL YOUR CARES TO GOD AT 2 CHAIRS, HE WILL PREPARE TO TAKE THE BULL BY THE HORNS AND BRING DOWN YOUR PAST HURTS AND FUTURE FEARS. YOU WILL BE VICTORIOUS ONCE YOU ARE ABLE TO STOP FOCUSING ON WHATS WRONG AND START REMEMBERING THE GOOD AND WHATS GOING RIGHT. I LOVE YOU MY HUSBAND.**

RE: I Love You!

NICOLE ZAHND (407324) View All  
Lexington County Detention Center  
Saturday, March 28, 2020 7:33 PM

Reply Delete Messages

**HI BABY I JUST SAW THIS MESSAGE, I HOPE THAT YOU SAID PLEASE CALL ME B4 I CALLED. I WILL CHECK WITH YOU IN A FEW. I AM JUST WRITING THIS LITTLE EMAIL TO TELL YOU THAT I AM THINKING OF YOU AND TOMORROW IS SUNDAY. I AM ABOUT TO GO CRAZY. I WOULD PROBABLY RUN ALL THE WAY TO WHERE EVER YOU ARE RIGHT THIS SECOND, AND NEVER BE OUT OF BREATH. THEY SAID I WAS WALKING SO FAST A WHILE A GO THEY COULD SEE SPARKS UNDER MY FEET.. LOL... I FELT LIKE THEY WERE MORE IN MY MIND. I AM GOING TO TRY AND STAY UP UNTIL 12 SO I SLEEP TIL 10. IT MAKES MY DAY GO BY FASTER. I AM WAKING UP EARLIER AND EARLIER WITH MY CHEST POUNDING LIKE OMG I SEE MY HUSBAND IN 2 DAYS AND A WAKE UP. THE WAKE UP DAY WILL BE THE LAST DAY I SPEND AWAY FROM HIM. I MAKE THAT PROMISE TO MYSELF. WE WILL NEVER BE IN THIS SITUATION AGAIN. WE WILL NEVER BE APART NOT ONE MORE NIGHT IN OUR LIFE.I WILL NEVER LAY MY HEAD DOWN TO SLEEP WITHOUT MY LEGS BEING TANGLED OR MY ARMS BEING WRAPPED AROUND YOU. THATS A PROMISE TO YOU OUR MARRIAGE OUR LIFE OUR LORD OUR RELATIONSHIP.YOU SAID YOU WERE GOING TO TAKE A NAP EARLIER. BECAUSE YOU WERE TIRED. I CANNOT WAIT UNTIL WE CAN NAP TOGETHER. I HOPE THAT MR EAGAN HAS FAVOR ON US. I HAVE BEEN PRAYING A LITTLE PRAYER THAT EVERYONE THAT IS INVOLVED WITH OMY RELEASE, TO HAVE FAVOR ON YOU AND I. WHAT DID YOU EAT FOR DINNER? I THINK I TOLD YOU I HAD A GRILLED CHEESE, EVERYONE ELSE HAD SOME KIND OF PATTY\MEAT SUBSTANCE. YUCKO! I GET PEANUT BUTTER SOMETIMES CHEESE SOMETIMES BUT MOSTLY BEANNS.. NAVY, BUTTER, PINTOS, ALL THE TIME LIKE IF THEY HAVE HOTDOGS I GET SLAW POTATOES BREAD CHEESE AND BEANS. WHAT THE HECK? O WELL.. ITS ALMOST OVER. I THINK THAT IF I WAS RUNNING A JAIL I WOULD A LITTLE MORE THOUGHT INTO THE MENU AND MAKE SURE IT AT LEAST MADE SENSE. WHAT DO YOU WANT TO EAT WHEN I GET OUT? WE CAN GO GET BREAD AND SUBSTUFF FROM THE GROCERY STORE AND FIND A REALLY COOL PLACE TO HAVE A PICNIC. SPREAD OUT A BLANKET AND EAT SANDWICHES. LAY THERE TOGETHER AND LET OUR FOOD DIGEST WHILE WE JUST LOVE ON EACH OTHER. OR WE COULD ????? TELL ME WHAT YOU WOULD LIKE TO DO. I KNOW WE HAVE TO GET ALL YOUR STUFF TAKEN CARE OF IMMEDIATELY. BUT AFTER THAT, I HOPE THAT YOU ARE OK. I KNOW IT IS HARD FOR YOU WITH LIL. WE WILL BE ABLE TO SHOW THEM ONE DAY THAT WE WERE MEANT TO BE AND WE LOVE EACH OTHER. I GUESS I AM GOING TO WALK FOR A LITTLE WHILE. I HAVE BEEN TRYING TO READ MY BIBLE, BUT I CANNOT SIT STILL AT ALL. I AM TELLING YOU BABY I COULD RUN 5K RIGHT NOW.WITHOUT NEEDING A BREATH. LOL I THINK THAT IT IS ACTUALLY CALLED ANXIETY . ANTICIPATION , SOMETHING LIKE THAT. WRITE ME BK. I NEED TO HEAR FROM YOU. I WANT TO KNOW YOUR THOUGHTS, THAT YOU ARE OK, AND I NEED TO KNOW YOU LOVE ME TOO. KISSES FOR YOU MY HUSBAND. MISS YOU SOOOOOOOOOOOOOO FREAKIN MUCH**



Lexington County (etention Oenter  
 Paturday, March 28, 2020 10:52 AM

Eeply (elete Messages

**GOOD MORNING MY HUSBAND, I HOPE THAT YOU FEEL BETTER AFTER YOUR REST. YOU SCARED ME LAST NIGHT AND I WILL ADMIT THAT I STAYED UP CRYING AND PRAYING ALL NIGHT. I AM NOT GOING THERE BECAUSE YOU MADE A PROMISE TO ME A LITTLE BIT AGO THAT YOU WOULD NEVER KILL YOURSELF. I AM HOLDING YOU TO THAT. I DONT EVER WANT TO LIVE WITHOUT YOU AGAIN. THIS BULLSHIT HAS GONE ON LONG ENOUGH. I JUST WANT OUR TEGACAY LIFE BK. I WROTE YOU THAT LAST NIGHT. JUST A LITTLE HOUSE WITH NOTHING TO DO BUT LOVE EACH OTHER. NO PROBLEMS NO WORRIES. I WOULD LOVE FOR THAT TOBE SECLUDED ON THE COAST. SOMEWHERE THATS NOT POPULAR BUT PERFECT FOR YOU AND I. SPEAKING OF WRITING DID YOU GET MY LETTERS TO YOU YET? MY FRIEND TOLD ME YESTERDAY THAT IT TOOK HER PARENTS ALMOST A MONTH TO GET HER LETTER. THATS A REALLY LONG TIME. I CANT WAIT FOR TUESDAY. I AM ALLOWING MYSELF TO GET EXCITED AGAIN. MY SPIRIT WAS CRUSHED LAST NIGHT.I THOUGHT YOU REALLY DID SOMETHNING TO YOURSELF. I COULD NOT IMAGINE. I THREW UP. MY BODY FELT PHYSICALLY ILL. I KNOW THAT YOU ARE PROBABLY WORKING ON THE TRUCK AND GETTING EVERYTHING READY TO GO. I AM NOT GOING TO CALL YOU UNTIL LATER. MAKE SURE THAT YOU PRAY THIS MORNING AND GIVE GOD SOME TIME SO THAT YOU STAY MENTALLY STRONG AND FOCUSED ON THE RIGHT STUFF. I KNOW YOU HAVE TO GO THROUGH SOME THINGS TO GET OVER SOME THINGS. I PRAY THAT YOU ARE SATISFIED IN YOUR BRAIN AND CAN MOVE ON TO HAPPY THOUGHTS OF OUR FUTURE. HAPPY THOUGHTS OF US HUGGING AND LOVING AND ME BEING YOUR KITTEN. COOKING AND LAUGHING AND READING. SPENDING TIME WITH EACH OTHER, MAKING MEMORIES THAT WE WANT TO REMEMBER. I LOVE YOU MORE THAN YOU CAN POSSIBLY IMAGINE. I KNOW YOU NEED ME TO SHOW YOU THAT, I WILL I PROMISE. IM GONNA DO WHATEVER HUMANLY POSSIBLE TO BE ATTENTIVE TO YOUR FEELINGS. I BELIEVE WE HAVE DIFFERENT LOVE LANGUAGES. WE WERE JUST SHOWN LOVE IN DIFFERENT WAYS AS A CHILD SO MY EXPRESSION TO YOU IS NOT WHAT YOU CONSIDER LOVE, AND THE SAME APPLIES TO ME. MY GRANDMA BOUGHT ME EVERYTHING AND GAVE ME GIFTS TO SHOW THAT SHE LOVED ME. I DID THE SAME FOR YOU THE LAST 3 YEARS. I BOUGHT YOU THINGS AND YOU WOULD GET MAD AND SAY YOU DIDNT NEED ANYHING ELSE, AND WHY WAS I WASTING YOUR MONEY. BUT TO ME I WAS LOVING YOU. I SEE THAT YOUR LOVE LANGUAGE IS DIFERENT AND I AM GOING TO STRIVE TO DO WHATEVER YOU NEED. I AS A HUMAN CANNOT DO IT ALONE BUT I HAVE ASKED GOD FOR HELP AND KNOW THAT HE HEARD. I WISH I COULD HELP YOU. I KNOW YOU FEEL OVERWHELMED WITH ALL THAT IS GOING ON. I ALSO KNOW YOU ARE WORRIED ABOUT TALKING TO LIL. I AM PRAYING FOR YOU. JUST KNOW THAT THIS IS NOT A MISTAKE AND WITH DUE TIME THEY WILL COME AROUND. YOU WONT NEED TO GO BK, WE ARE GOING TO WORK OUR LIFE AND MARRIAGE OUT. WE WILL NEVER NEED TO BE ANYWHERE EXCEPT WITH EACH OTHER. I MISS YOU SO MUCH AND I COULD TELL ON OUR VISIT YOU WANT THIS TOBE OK AGAIN JUST AS MUCH AS I DO. WHEN YOU COMMIT AND HAVE NO FEAR,**

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**NO DOUBT AND KNOW THAT YOU KNOW, THAT YOU KNOW..IT WILL ALL START LINING UP. AND WORKING . REMEMBER WHAT I TOLD YOU LAST NIGHT FROM STEVEN FERTICK EXERCISING TO THE MUSCLES IS WHAT FEAR IS TO FAITH. YOU HAVE TO WORK OUT AND GO THROUGH THE PAIN TO GROW. I LOVE YOU LAWRENCE CALL YOU AFTER LUNCH.**

**LUNCH TIME**

NICOLE Z4HND (- 0732- ) View 411  
Lexington County Detention Center  
Friday, March 27, 2020 2:07 SM

**THANK YOU FOR THE MESSAGE I HATE FEELING LIKE YOU ARE DOWN OR DOUBTING MY LOVE FOR YOU. YOU NEED TO EAT LUNCH. STOP WHAT YOU ARE DOING AND EAT YOU MUST KEEP YOUR MIND FOCUSED AND YOUR BODY IN GOOD HEALTH. EAT MY HUSBAND I LOVE YOU**

NICOLE ZAHND (407324) View All  
Lexington County Detention Center  
Friday, March 27, 2020 11:04 AM

Reply Delete Messages

**I JUST TALKED TO MY SLEEPY BABY. I WANT TO COME AND HOLD YOU. GIVE YOU A HUNDRED KISSES ON YOUR FACE. I NEED YOU TO SOUND HAPPIER. I AM AMPED UP READY TO SEE YOU. I PRAYED FOR YOU THIS MORNING. I READ THIS LITTLE THING THAT I WOULD LIKE TO SHARE IF ONLY WE COULD ORDER LIFE THE WAY WE ORDER GOURMET COFFEE, MIX AND MATCH THE INGREDIENTS OF OUR FUTURE. A TALL EXTRA HOT CUP OF ADVENTURE, CUT THE DANGER ,2 SHOTS OF GOOD HEALTH DECAF BREW OF LONGEVITY, WITH A SPRINKLE OF FERTILITY. GO HEAVY ON THE AGILITY AND CUT THE DIS ABILITY PLEASURE MOCHA WITHEXTRA INDULGENCE, AND MAKE SURE ITS CONSEQUENCE FREE ILL GO WITH GRANDE HAPPY LATTE WITH A DOLLOP OF LOVE SPRINKLED WITH CARIBBEAN RETIRERMENT. HOW CUTE IS THAT. SINCE WE BOTH LOVE COFFEE I THOUGHT IT WAS CUTE. SO I HAVE BEEN THINKING, I AM GOING TO START WRITING DOWN STUFF I WANT TO DO WITH YOU. THINGS WE CAN EXPERIENCE TOGETHER FOR THE FIRST TIME. IF YOU HAVE TIME I WOULD LIKE FOR YOU TO DO THE SAME. I THINK BESIDES JUST HOLDING YOU AND LOVING YOU MY MOST EXCITING THING COMING UP IS READING WITH YOU. SO QUITE , NO WORDS, YOU AND I SNUGGLED UP, YOU READING AND ME READING, AN OCCASIONAL GLANCE OF LOVE. I CANT WAIT FOR OUR LIFE TO BE JUST THAT. LOOKING OUT THE WINDOW TO SOMETHING THAT WE BOTH LOVE TO SEE. STRESS SO FAR AWAY WE DONT EVEN KNOW WHAT THAT IS. GOD SO INVOLVED IN OUR LIFE THAT WE WONT MAKE HALF A STEP WITHOUT HIS APPROVAL.YEA MY HUSBAND THAT IS WHERE I WANT US TO BE. PHIL 4:11-13 2 COR 4:17 LUKE 12:25-26 I CHRON 28:20 PROVERBS 3:5-6 OK BABY THERE ARE SOME VERSES, I WAS CHECKING OUT THIS MORNING. I LOVE YOU SO MUCH I MISS YOU I CANT WAIT TO SEE YOU IN A FEW DAYS.**

Sent from my iPhone



NICOLE ZAHND (407324) View All  
Lexington County Detention Center  
Thursday, March 26, 2020 8:45 PM

Reply Delete Messages

**HELLLOOO. MY SWEET AWESOME SEXY SUPERMAN HUSBAND.. JUST TO LET YOU KNOW GRANDMA THINKS US MOVING AWAY IS GREAT AND SHE SAID SHE AND PAPA ARE PRAYING FOR YOU AND ME AND OUR MARRIAGE. I JUST SAID A PRAYER FOR YOU. I THANKED GOD FOR YOU. AND I LOVE YOU! MORE THAN LIFE AND I AM SO SO SO EXCITED FOR OUR NEW LIFE FOR OUR TIME WE WILL SPEND IN A FEW DAYS. I AM EXCITED TO HOLD YOU AND MAKE YOU FEEL LOVED, IM GOING TO KISS YOU ALL OVER YOUR BODY AND TICKLE YOU IN SPECIAL PLACES. I AM GOING TO TAKE MY TIME AND MAKE LOVE TO YOU AND PLEASE YOU. THATS WHAT MY MIND IS THINKING AND BODY AND MY HEART. YOU ARE THE ONLY THING THAT I WANT NOTHING ELSE MATTERS TO ME AT ALL. I DONT CARE ABOUT WHAT WE HAVE OR WHAT WE DONT HAVE, WHERE WE ARE OR WHERE WE ARE GOING. THE ONLY THING I WANT TO DO IS WRAP YOU IN MY ARMS. DRY ALL YOUR TEARS AND REASSURE YOU THAT YOU ARE THE LOVE OF MY LIFE, AND AGAIN LAWRENCE YOU ARE THE MOST IMPORTANT THING TO ME IN THE WORLD. I LOVE YOU YOUR WIFE FOR LIFE NIKKI**

NGOELI ZAHND (507325) View All  
Lexington County Detention Center  
Wednesday, March 26, 2020 1:03 PM

Reply Delete Messages

**I AM SO EXCITED TO READ YOUR BOOK. I KNOW THAT IT IS AN AMAZING STORY. I WANT TO SEE ALL YOU HAVE DESIGNED AS WELL. CANT WAIT TO BE WEARING THE TSHIRT AND HAVE A KEYCHAIN. I WENT TO MY ROOM AND PRAYED FOR US. I PRAYED FOR OUR MARRIAGE. I PRAYED THAT NO MATTER WHAT I WANT OR NO MATTER WHAT YOU WANT, HELP US ONLY BE DIRECTED TO YOUR DO THE LORDS WILL. I ALSO READ PSALMS CHAPTER 7. THAT REASSURED ME THAT GOD IS IN CONTROL NO MATTER WHAT AND HE FIGHTS THE BATTLES FOR US. HE WILL NOT ALLOW THE ENEMY TO WIN OVER HIS CHOSEN. WE HAVE A LOT OF GREAT THINGS TO DO OUT THERE AND WHEN THE TIME IS RIGHT WE WILL DO THEM. I HAD AN AWWW MOMENT LAST NIGHT. HERE IT IS. I KEEP HEARING PURPOSE THERE IS A PURPOSE, WHAT IS YOUR PURPOSE, AND EVERYTHING IN THE WORLD THAT COULD BE SAID ABOUT PURPOSE I HAVE HEARD IT, BELIEVE ME. WELL I WAS WALKING LAST NIGHT AND PRAYING, I WAS ACTUALLY CRYING AND THANKING GOD FOR YOU AND RESTORATION AND THIS TIME AND OUR MINDS AND THE UNITY OF YOU AND I, AND I THANKED HIM EVEN IF WE DIDNT KNOW THE PURPOSE. I HEARD A SMALL STILL VOICE SAY NIKKI, I DID THIS ON PURPOSE I MADE YOU ON PURPOSE. AND IT DAWNED ON ME , I DONT KNOW WHY THAT SMALL WORD CHANGED EVERYTHING. ON PURPOSE INSTEAD OF FOR A PURPOSE. I DONT EVEN KNOW HOW TO SAY WHAT I AM FEELING LARRY ITS LIKE EVERYTHING HAS A PURPOSE, IF I DO SOMETHING ON PURPOSE ITS DIFFERENT. ITS PERSONAL. IT CHANGED SOMETHING FOR ME. DOES IT FOR YOU? IF YOU SAY GOD MADE LARRY ON PURPOSE INSTEAD OF FOR A PURPOSE. LIKE WE ARE THE PURPOSE INSTEAD OF FOR THE PURPOSE. I FEEL CRAZY AND LIKE NONE OF THAT MADE SINCE. WRITE ME BK I LOVE YOU**

NICOLE ZGHND (70A327) View Gil  
Lexington County Detention Center  
Tuesday, March 27, 2020 8:56 PM

Reply Delete Messages

**HI BABY I HAVE NOT HEARD FROM YOU AND HOPE THAT YOU ARE OK. THANKYOU SO MUCH FOR GETTING THAT STUFF DONE EARLIER AND CALLING THE LAWYER AND TRYING TO GET THAT CHARGE GONE. DID YOU BY CHANCE GET THAT ADDRESS THAT I NEED? I KNOW YOU ARE DRIVING. TRY TO SEND ME AN EMAIL WHENEVER YOU STOP FOR GAS. JUST SO THAT I KNOW YOU ARE OK. YOU SOUNDED OK EARLIER BUT NOT ALL THE WAY OK. I HOPE AND PRAY THAT WE CAN WORK THROUGH THIS BABY. I NEED YOU TOO. MORE THAN YOU KNOW. IF I GET OUT ON THE 31ST,I WANT YOU TO COME AND GET ME PLEASE. THEN WE CAN GO FROM THERE ABOUT WHAT WE ARE GOING TO DO. I MEAN I WANT YOU TO NEVER LEAVE MY SIDE AGAIN. JUST GET WHAT WE NEED AND RELOCATE. JUST GO. I MISS YOU SO MUCH I AM NOT LEAVING YOUR SIDE. UNLESS YOU TELL ME TOO. I DONT THINK YOU WANT THAT. I AM WITH YOU 100 PERCENT ON THE WORKING FOR THE LORD, IN THE MINISTRY AND GOING TO CHURCH. SURROUND OURSELVES WITH THE LOVE OF CHRIST AND HIS PEOPLE. THEN WE CAN MAKE A DIFFERENCE IN THE WORLD FOR THE BETTER AND TOGETHER. I JUST DONT WANT TO BE SEPARATED FROM YOU. I FEEL SO FAR AWAY FROM YOU NOW NOT BEING ABLE TO TALK ON THE PHONE. I HATE THAT. YOU COMFORT ME. I FEEL BETTER WHEN I HEAR YOUR VOICE. EVEN IF YOU THINK I AM MAKING YOU BETTER AND PART OF MY MIND KNOWS THAT I AM, YOU STILL DO JUST AS MUCH FOR ME. I ALWAYS FEEL SECURE WITH YOU. I DONT HAVE WORRIES, I KNOW I CAN ASK A QUESTION AND YOU WILL HAVE AN ANSWER. I KNOW THAT NO MATTER WHAT. I WANT YOU TO BE HAPPY. I WANT YOU TO FEEL THE SAME. I AM WORKING ON MY BEHAVIOR AND ACTIONS, AND WILL DO WHATEVER IT TAKES TO SUCCEED. I HOPE YOU CAN WRITE ME BACK BEFORE TO LATE. I LOVE YOU MY HUSBAND. DO YOU MISS ME? ARE YOU EXCITED ABOUT SEEING ME?**

Due to the COVID-19 pandemic, Zahnd was released from custody on her federal release violation. Larry was soon cut off from his family. Larry relapsed and began using methamphetamine again. Zahnd took control of Larry's accounts again. She took the phone that Lil had helped Larry get while in Connecticut. Below are examples of Larry's family desperately reaching out to him.

**Subject:** Re: Phone  
**From:** lil.vozzolo@gmail.com  
**To:** Lawrence Florentine <larryflorentine810@gmail.com>  
**Date Sent:** Friday, April 17, 2020 10:04:33 PM GMT-04:00  
**Date Received:** Friday, April 17, 2020 10:04:35 PM GMT-04:00

---

I hope you are doing ok. What is going on with you?

Sent from my iPhone

On Apr 17, 2020, at 6:57 PM, Lawrence Florentine <larryflorentine810@gmail.com> wrote:

I'm trying to get some money from the car payments this week. I will send you some money in the phone. Thanks  
Hope you're all well  
love you Larry

On Sat, Apr 11, 2020 at 10:53 AM Lil Vozzolo <lil.vozzolo@gmail.com> wrote:  
Hey hope all is well. Please send phone payment by tomorrow. Payment arrangements are accepted. Dean asked if you cannot pay phone bill and phone will be turning off please send phone back to us.



**Subject:** Re: Phone

**From:** Lil Vozzolo <lil.vozzolo@gmail.com>

**To:** Lawrence Florentine <larryflorentine810@gmail.com>

**Date Sent:** Tuesday, April 21, 2020 10:33:17 AM GMT-04:00

**Date Received:** Tuesday, April 21, 2020 10:29:39 AM GMT-04:00

---

I miss you. I wish you were still here it was fun going to fitness center together. After you see your place if you decide to start over I would love it if you came up here and got a place up here. I was talking to Bob and we both miss you and love you. Let me know when you are sending payment and I can turn phone back on. Why don't you send \$400 that would be enough for last month and the next 3 months, Let me know, I miss your cooking. ☺

Love,

Lil

On Fri, Apr 17, 2020 at 6:57 PM Lawrence Florentine <larryflorentine810@gmail.com> wrote:

I'm trying to get some money from the car payments this week. I will send you some money in the phone. Thanks

Hope you're all well

love you Larry

On Sat, Apr 11, 2020 at 10:53 AM Lil Vozzolo <lil.vozzolo@gmail.com> wrote:

Hey hope all is well. Please send phone payment by tomorrow. Payment arrangements are accepted. Dean asked if you cannot pay phone bill and phone will be turning off please send phone back to us.

**Subject:** Checking in from Bug Sus

**From:** Lil Vozzolo <lil.vozzolo@gmail.com>

**To:** Lawrence Florentine <larryflorentine810@gmail.com>

**Date Sent:** Thursday, April 30, 2020 8:47:39 AM GMT-04:00

**Date Received:** Thursday, April 30, 2020 8:47:50 AM GMT-04:00

---

Hi Larry,

I hope you are doing well. I miss you and think about you every day. Tomorrow's is May 1 let me know how much money you can send so I can get the phone back on. Any payment is accepted.

Unfortunately with 2 young kids I can't afford to pay your bills too

I love you

Hope you start your new life soon.

Lil

**Subject:** We love you

**From:** Lil Vozzolo <lil.vozzolo@gmail.com>

**To:** Lawrence Florentine <larryflorentine810@gmail.com>

**Date Sent:** Friday, May 1, 2020 10:14:59 AM GMT-04:00

**Date Received:** Friday, May 1, 2020 10:15:11 AM GMT-04:00

---

Hey Larry we're here for you we love you I talk to Bob and we miss you if you could just get in touch with us and tell us that you're OK. We are thinking of you. If you want to start over we are here for you I found a place you could rent for not a bad price also a house for sale Right nearby.

I miss having you around. I hope you're staying safe sending my love

Big Sis

Lil

Because it bears repeating, counsel is not suggesting that Zahnd was the only one engaging in controlling behavior. It was a two-way street at times. The government has put forth the idea that Larry was overly controlling, and her family wanted her out of the relationship with Larry. There is another side to the story of the relationship. Larry's family was very concerned with the behavior of Zahnd. The truth involves a complicated picture. Everyone around saw that Larry and Zahnd were not good for one another, and the excessive methamphetamine use made things exponentially worse. Below, Larry's sister is desperate to get in touch with him after Zahnd confiscated Larry's phone.

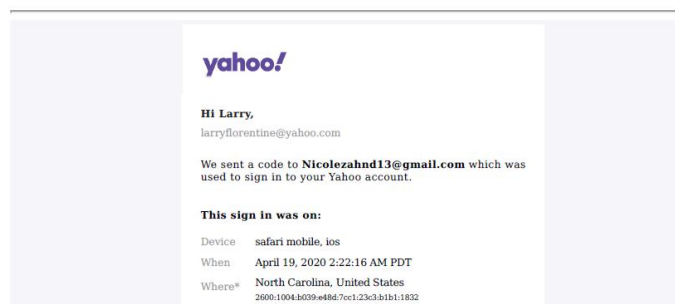
**Subject:** Should I turn on phone?  
**From:** Lil Vozzolo <lil.vozzolo@gmail.com>  
**To:** Lawrence Florentine <larryflorentine810@gmail.com>  
**Date Sent:** Wednesday, May 6, 2020 9:45:56 AM GMT-04:00  
**Date Received:** Wednesday, May 6, 2020 9:46:07 AM GMT-04:00

---

Did you get another phone? Or do you want me to turn this one back on? I got a discount now.  
 Please respond  
 Thinking of you. Hope you are doing good today ok?  
 Love  
 Lil


Below are examples of Zahnd taking over Larry's email accounts. This constantly occurred throughout her time with Larry. After her release from custody, the behavior intensified as she tried to get Larry to take the fall for her crimes. She would change the passwords in an attempt to prevent Larry access to his own accounts.

**Subject:** Sign in notification from Yahoo  
**From:** Yahoo <no-reply@cc.yahoo-inc.com>  
**To:** larryflorentine810@gmail.com  
**Date Sent:** Sunday, April 19, 2020 5:22:16 AM GMT-04:00  
**Date Received:** Sunday, April 19, 2020 5:22:19 AM GMT-04:00



**Subject:** Sign in notification from Yahoo  
**From:** Yahoo <no-reply@cc.yahoo-inc.com>  
**To:** larryflorentine@yahoo.com  
**Date Sent:** Tuesday, April 21, 2020 8:23:58 PM GMT-04:00  
**Date Received:** Tuesday, April 21, 2020 8:27:02 PM GMT-04:00

---



**Hi Larry,**  
larryflorentine@yahoo.com


We sent a code to **Nicolezahnd13@gmail.com** which was used to sign in to your Yahoo account.

**This sign in was on:**

Device	chrome mobile, android
When	April 21, 2020 5:23:58 PM PDT
Where*	North Carolina, United States 2600:1004:b083:cfff:ddd8:f5bb:d0b4:935c

**Subject:** Alternate email address added to your account  
**From:** Yahoo <no-reply@cc.yahoo-inc.com>  
**To:** larryflorentine@yahoo.com  
**Date Sent:** Thursday, April 23, 2020 10:14:53 PM GMT-04:00  
**Date Received:** Thursday, April 23, 2020 10:17:03 PM GMT-04:00

---



**Hi Larry,**

The following alternate email address was added to your Yahoo account:


**n\*\*\*\*\*83@gmail.com**

**This change was made on:**

When	April 23, 2020 7:14:53 PM PDT
------	-------------------------------

**Subject:** Sign in notification from Yahoo  
**From:** Yahoo <no-reply@cc.yahoo-inc.com>  
**To:** larryflorentine@yahoo.com  
**Date Sent:** Thursday, April 30, 2020 3:46:34 AM GMT-04:00  
**Date Received:** Thursday, April 30, 2020 3:47:04 AM GMT-04:00

---



**Hi Larry,**  
larryflorentine@yahoo.com

We sent a code to **nicoleflorentine83@gmail.com** which was used to sign in to your Yahoo account.

**This sign in was on:**

Device	chrome mobile, android
When	April 30, 2020 12:46:34 AM PDT
Where*	South Carolina, United States 174.99.154.242

In general, Zahnd would allow Larry to use one of her phones, particularly when he complained enough about not having access to a phone. On occasion, he would have to email her to get access to a phone.

**Subject:** Ease answer  
**From:** Lawrence Florentine <larryflorentine810@gmail.com>  
**To:** My Nikki Florentine <nicoleflorentine83@gmail.com>  
**Date Sent:** Monday, April 27, 2020 11:15:46 PM GMT-04:00  
**Date Received:** Monday, April 27, 2020 11:15:46 PM GMT-04:00

---

Seriously, I can't do this  
 You left me here without a phone

You r killen me

Larry was suicidal during the month of May 2024. The combination of his volatile relationship, the criminal charges he now faced, and the drug use created a man totally untethered to his former reality. He was not sleeping. For her part, Zahnd would constantly tell Larry that he just needed to kill himself (this can be heard on recordings found in Zahnd's own accounts). She explained to Larry that some people can deal with the stress of having open criminal cases, and they could get by okay despite the hectic nature of a drug-fueled life without any stability. Zahnd told Larry she was one of these people, but she now saw that Larry was not. She told Larry they could not change the past, and since he could not handle it anymore, the only real option was to commit suicide.

One particular suicide attempt resulted in Larry's home being burned down. From there, he drove straight to the VA hospital in Asheville because he realized he did not want to die. On May 28, Larry checked into the VA. From the United States' discovery:

Florentine was seen at the Asheville RA in the Emergency Room on May 28, 2020 at 20:25. Florentine was then admitted for inpatient care on May 29, 2020. Florentine was later discharged on June 3, 2020.

When Larry entered the VA inpatient program, he did not have access to the internet. He made clear to staff that he wanted no contact with Zahnd. Notably, Larry drove his own rental car to the VA and it remained in the parking lot during his inpatient commitment. Any suggestion that Larry wanted Zahnd to pick him up from the VA is not accurate.

Upon learning of Larry's commitment at the VA, Zahnd hacked into Larry's accounts.

**Subject:** Microsoft account password reset  
**From:** Microsoft account team <account-security-noreply@accountprotection.microsoft.com>  
**To:** larryflorentine@yahoo.com  
**Date Sent:** Saturday, May 30, 2020 9:39:43 AM GMT-04:00  
**Date Received:** Saturday, May 30, 2020 9:42:03 AM GMT-04:00

---

Microsoft account

## Password reset code

Please use this code to reset the password for the Microsoft account la\*\*\*\*\*@yahoo.com.

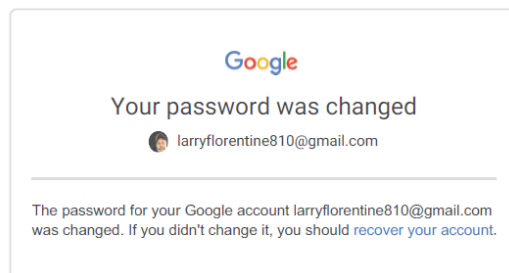
Here is your code: **1941001**

If you don't recognize the Microsoft account la\*\*\*\*\*@yahoo.com, you can [click here](#) to remove your email address from that account.

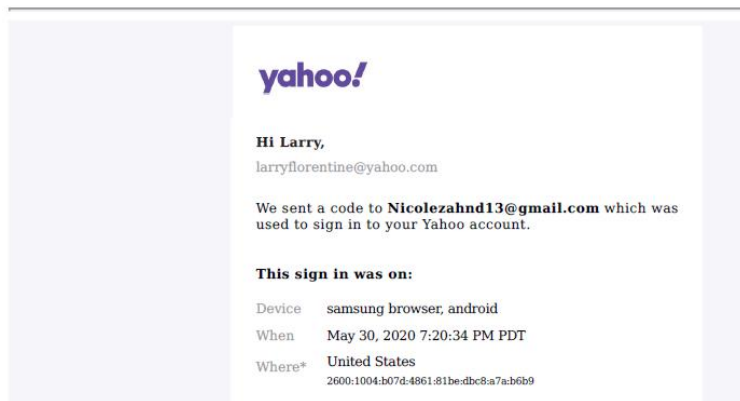
Thanks,  
The Microsoft account team

**Subject:** Security alert  
**From:** Google <no-reply@accounts.google.com>  
**To:** larryflorentine810@gmail.com  
**Date Sent:** Saturday, May 30, 2020 9:54:29 PM GMT-04:00  
**Date Received:** Saturday, May 30, 2020 9:54:38 PM GMT-04:00

---



**Subject:** Sign in notification from Yahoo  
**From:** Yahoo <no-reply@cc.yahoo-inc.com>  
**To:** larryflorentine@yahoo.com  
**Date Sent:** Saturday, May 30, 2020 10:20:34 PM GMT-04:00  
**Date Received:** Saturday, May 30, 2020 10:22:03 PM GMT-04:00



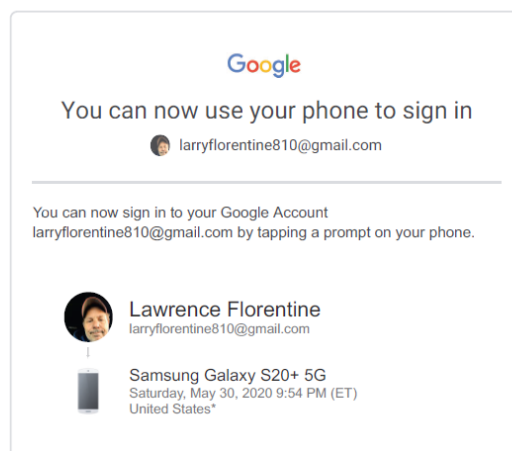
Clearly, Larry was not the one using his accounts during this time because he was a suicidal mess in a hospital without internet access. Counsel can confirm that Zahnd was the one using the accounts in several ways. First, below are emails from Larry's Google account where it notifies the user that the code to hack the account was sent to Zahnd's Gmail account. The dates match the time Larry was committed to the hospital for treatment. More importantly, both parties have access to the GPS tracking location data from Larry's Google account. A device (probably a cell phone) that was logged into Larry's Google account was on the move while Larry was in the VA hospital. When the Google GPS location data stopped moving, *it stopped at Zahnd's grandmother's house*, which is where she was living. The government has this data. Counsel has also analyzed all the data and will be prepared to show this Court at the sentencing hearing where Zahnd was going while Larry was in the VA hospital. Further, her location data can be compared from her cell phone tower CDR reports and Larry's Google account GPS. There is only one conclusion: Zahnd hacked into Larry's Google account while he was in the VA, and her whereabouts can be tracked because of this.

In fact, the Google email account shows Zahnd likely logged in with Larry's credentials on a cell phone, and then recovered his entire account data to that phone. This would create a phone that would be populated with all of Larry's data and look like it was

his phone to any outside observer. Larry could not have done this himself; he was in the hospital.

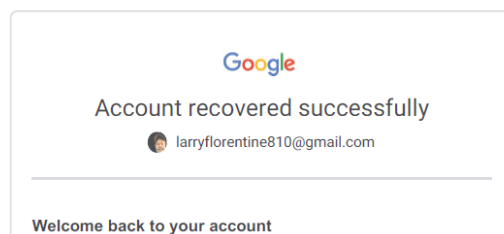
**Subject:** You can now use your phone to sign in  
**From:** Google <no-reply@accounts.google.com>  
**To:** larryflorentine810@gmail.com  
**Date Sent:** Saturday, May 30, 2020 9:54:35 PM GMT-04:00  
**Date Received:** Saturday, May 30, 2020 9:54:36 PM GMT-04:00

---



**Subject:** Your Google Account was recovered successfully  
**From:** Google <no-reply@accounts.google.com>  
**To:** larryflorentine810@gmail.com  
**Date Sent:** Saturday, May 30, 2020 9:54:30 PM GMT-04:00  
**Date Received:** Saturday, May 30, 2020 9:54:30 PM GMT-04:00

---



Zahnd also changed Larry's Microsoft password utilizing her access to his Google



account:

**Subject:** Microsoft account password change  
**From:** Microsoft account team <account-security-noreply@accountprotection.microsoft.com>  
**To:** larryflorentine@yahoo.com  
**Date Sent:** Sunday, May 31, 2020 12:00:11 AM GMT-04:00  
**Date Received:** Sunday, May 31, 2020 12:02:05 AM GMT-04:00

---

Microsoft account

## Your password changed

Your password for the Microsoft account la\*\*\*\*\*@yahoo.com was changed on 5/31/2020 4:00 AM (GMT).

If this was you, then you can safely ignore this email.

Security info used: larryflorentine@yahoo.com  
Country/region: Unknown  
Platform: Android  
Browser: Android  
IP address: 2600:1004:b07d:4861:81be:dbc8:a7a:b6b9

If this wasn't you, your account has been compromised. Please follow these steps:

1. [Reset your password.](#)
2. [Review your security info.](#)
3. [Learn how to make your account more secure.](#)

You can also [opt out](#) or change where you receive security notifications.

Thanks,  
The Microsoft account team

---

**Subject:** Microsoft account security code  
**From:** Microsoft account team <account-security-noreply@accountprotection.microsoft.com>  
**To:** larryflorentine@yahoo.com  
**Date Sent:** Sunday, May 31, 2020 12:01:30 AM GMT-04:00  
**Date Received:** Sunday, May 31, 2020 12:02:06 AM GMT-04:00

---

Microsoft account

## Security code

Please use the following security code for the Microsoft account la\*\*\*\*\*@yahoo.com.

Security code: **9301223**

If you don't recognize the Microsoft account la\*\*\*\*\*@yahoo.com, you can [click here](#) to remove your email address from that account.

Thanks,  
The Microsoft account team

Zahnd would frequently pretend to be Larry while in his accounts. Larry was aware that she would send text messages to herself as if she was Larry. In fact, this explains a large portion of suspicious text messages that the Government wants this Court to believe were sent by Larry. Zahnd often had all four of the phones that the couple would use. Counsel understands the claim that Zahnd would pretend to be Larry requires proof. Fortunately, such proof exists. Counsel points this Court to the below email. While Larry was in the VA, and while Zahnd can be shown to have been logged into his Google account,

the following was sent:

**Subject:** Love  
**From:** larry Florentine <larryflorentine@yahoo.com>  
**To:** "nicoleflorentine83@gmail.com" <nicoleflorentine83@gmail.com>  
**Date Sent:** Sunday, May 31, 2020 11:52:00 PM GMT-04:00  
**Date Received:** Sunday, May 31, 2020 11:52:07 PM GMT-04:00

---

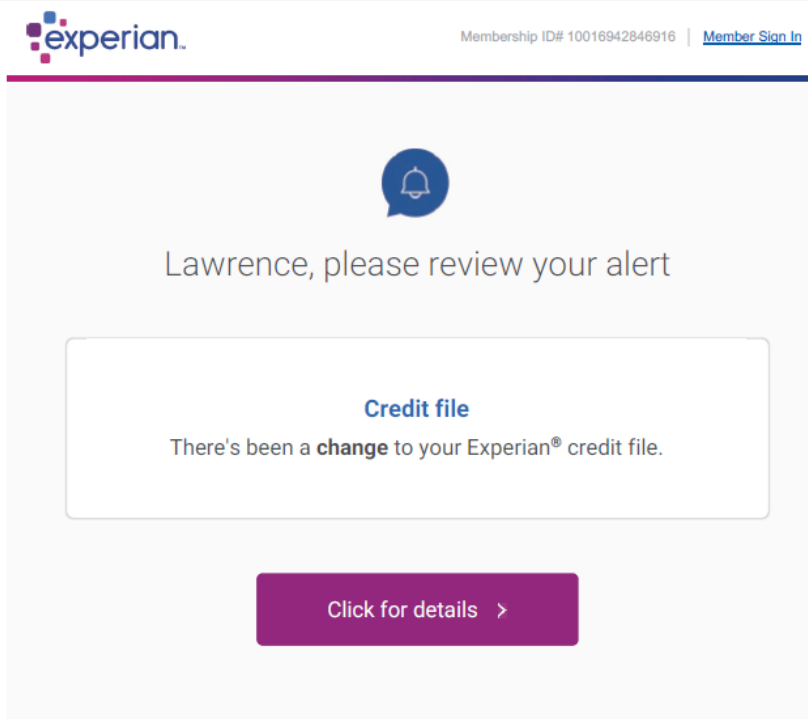
hi

[Sent from Yahoo Mail on Android](#)

It appears that Zahnd wrote an email entitled “Love” from Larry’s account and then wrote “hi.” She sent this email to herself to make it look like Larry sent the email to her. All the while, Larry was in the VA saying that he never wanted to see her again. Next, Zahnd did something with Larry’s credit, as the following alert was triggered.

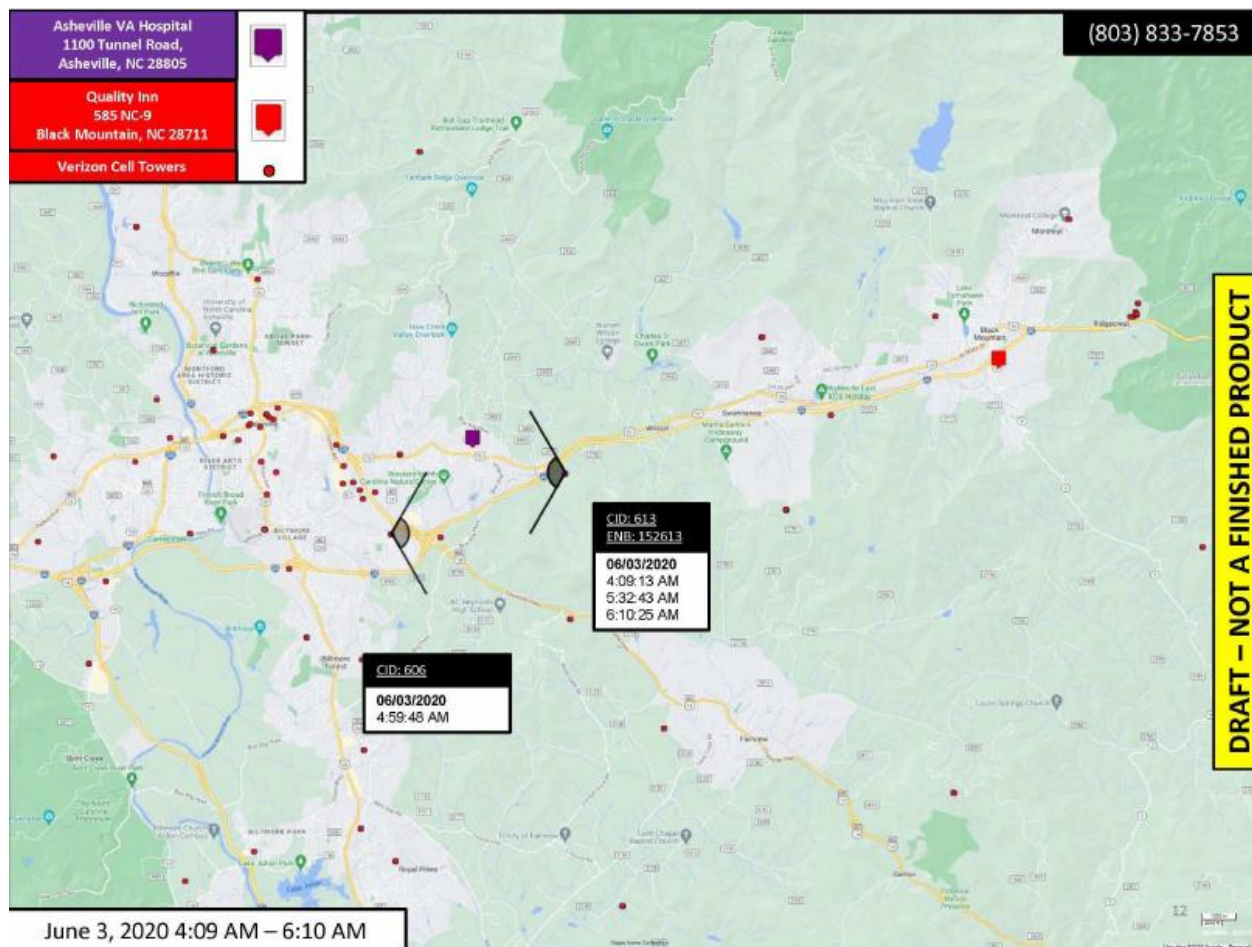
**Subject:** Your credit file has been updated  
**From:** Experian <support@s.usa.experian.com>  
**To:** larryflorentine@yahoo.com  
**Date Sent:** Tuesday, June 2, 2020 3:05:27 PM GMT-04:00  
**Date Received:** Tuesday, June 2, 2020 3:07:03 PM GMT-04:00

---



Somehow, Nicole learned that Larry was going to be released from the VA on the

morning of June 3. The plan, put together between Larry and the VA, was for Larry to drive his rental car straight to Florida and enter another VA hospital near his brother Rob. It is simply not true that Larry convinced Zahnd to pick him up. In fact, Larry would not agree to leave the VA once he learned Zahnd was in the parking lot. The government's own records turned over in discovery show that Zahnd arrived in the VA parking lot around 4 AM:



Records confirm Zahnd sat in the parking lot for approximately 5 hours waiting to see if Larry would be released. Larry eventually agreed to go to his car, but only with a security escort. Larry pulled out of the parking lot, and Zahnd began tailgating him. He got out of his car. Zahnd convinced him that they needed to be together. She convinced him not to go to Florida but instead to go on a vacation with her to the Black Mountains. Location data confirms they did go to the Black Mountains from there.

When Larry got into Zahnd's rental car (he returned his rental), he noticed that Zahnd had a gun with her. The FBI's investigation confirmed the gun belonged to Zahnd.

#### Firearms

Grice provided Nicole with a firearm which she held onto for a period of time before returning it to Grice. She was then later seen with a .22, pistol, make and model unknown, around the time of Landon's graduation. Landon graduated high school on June 7, 2020. Although, Nicole did not attend the graduation, she was seen just prior to June 7th with the firearm shooting the gun with Landon.

After a couple days in the Black Mountains, they drove south to the Super Inn in Piedmont, SC. The whereabouts of Zahnd and Larry can be tracked during this period in detail from CDR reports and Google GPS location data. On June 8<sup>th</sup>, the couple went to Rock Hill, SC. They drove back, apparently through the night, on June 9<sup>th</sup>. This day was mostly spent back at the Super Inn. Larry recalls Zahnd having the gun on her lap in the car and going on and on again about how Larry's only option was to commit suicide.

Around 9 pm, Larry left the Super Inn with the cell phone that Zahnd had given him. He eventually called Zahnd several times on another one of her phones. These calls and texts are in the phone records. Larry remembers needing to know how to get back to the Super Inn. He was also upset because he had gone to a Verizon Store. Upon discussing an issue with the sales agent, Larry believed Zahnd had provided him with a phone that was spoofed. He believed the phone was set up in a way where Zahnd could see all his calls and messages. Upon returning to the Super Inn, Larry wanted to discuss this. He grabbed Zahnd's purse off the table to dump out the contents in an effort to find her phone. He planned to compare her phone to his phone to show that the phones were connected in some way.

When the purse was dumped out, Zahnd's gun fell out of the purse. Larry picked it up. Zahnd jumped from the bed towards Larry screaming at him that he should just kill himself. Larry admits he pulled the trigger. Mixed up in Larry's head were thoughts of the constant yelling about how he needed to commit suicide. Larry was also angry and

paranoid about the phone spoofing. He was, after having been clean for a short period of time, back on methamphetamine. None of this necessarily provides a complete defense to the charges.

Certainly, Larry could now (or previously) say anything. He could say it was self-defense. He could say the gun went off when it hit the table. But instead, he takes responsibility for what he knows he did. He did not plan to pull the trigger. In the end, the action of pulling the trigger happened before he could form coherent thoughts around what was happening. Counsel has talked about this moment with Larry many times. Larry has terrible dreams about this moment repeatedly. In all his soul searching, Larry has no memory of forming the intent to shoot toward Zahnd. This has not stopped him from wanting to accept responsibility for what he did do.

Larry's sentence is based on second-degree murder. Congress allows a sentence for that crime to range from zero time to life in prison. The latest available information from the Fourth Circuit reveals the mean sentence for murder is 261 months and the median sentence is 240 months, though the available statistics do not draw a distinction between first- and second-degree murder.<sup>3</sup> Mathematically, the mean and median sentences for second-degree murder would have to be lower if first-degree numbers were excluded.

In electing to plead guilty, Larry declined to raise a "heat of passion" defense which could have resulted in a manslaughter conviction. While the sentence would have been just a fraction of what he faces here, it also would not have aligned with Larry's attempts to accept responsibility. Second degree murder simply requires malice aforethought, which the Fourth Circuit has found in cases that involve "conduct which is reckless and wanton and a gross deviation from a reasonable standard of care, of such a nature that a jury is warranted in inferring that defendant was aware of a serious risk of death or serious bodily harm." *United States v. Ashford*, 718 F.3d 377, 384 (4th Cir. 2013). Voluntary manslaughter is an unlawful killing without malice upon a sudden quarrel or heat of

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<sup>3</sup> <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/federal-sentencing-statistics/state-district-circuit/2022/4c22.pdf> (last accessed April 1, 2024)

passion. *Id.*; 18 U.S.C. § 1112(a).

When Larry initially described his actions and memories to counsel, counsel sincerely advised him that his story aligned with manslaughter. This advice was based on state law. Counsel went to work trying to collect the evidence to show this to be the case, including providing evidence of the location of the shooting and death to authorities. Manslaughter can carry different sentences in different jurisdictions and the goal was to end up in the proper jurisdiction to tell the truth of what happened and receive a fair punishment in return. Upon examining the law of second-degree murder, which does appear to cover reckless conduct in the federal system, an open plea to Second Degree Murder became the means to accept responsibility and explain the full scope of this tragedy.

Larry knows he should have exited the relationship completely. Larry knows his mental health required him to seek more treatment; he was in absolutely no shape to go with Zahnd after his hospitalization. He was emotionally broken and drained of hope. But in retrospect, he sees that he had options. Larry further takes responsibility for his continued use of methamphetamine, a behavior that exacerbated his underlying suicidal state. At certain doses, methamphetamine is known to completely warp a person's sense of reality. Bluntly, Larry and Zahnd were both not in their right minds on June 9th. The amount of methamphetamine found in Zahnd's system was staggering. Larry's use that night was similar. The unreal world that Larry found himself in closed in on him. Larry recognizes he has responsibility for the creation of the nightmare and his conduct within it. Counsel sincerely hopes that this memorandum does not leave the impression that counsel is attempting to chalk a terrible crime up to drugs and mental illness. Counsel genuinely believes that the full explanation provided diminishes—not excuses—Larry's moral culpability.

Larry further knows that his actions after the shooting are inexcusable. There is no excuse for his conduct. Nothing seemed real; Larry was not in his right mind. He did things that did not make sense. He did things he cannot understand. When his sister Rose



saw him in Colorado, he could only speak gibberish. All he could do was hope that the vague memories in his head of the past week were a nightmare he could wake up from. Eventually, he came to enough to turn himself into police. When released, he went directly to the VA in Denver where he was again arrested. It would take about a year in jail before Larry's brain started to fully comprehend what had happened. He has expressed to counsel how it now feels that a different person committed the crimes. He interrogates that feeling in his mind as best he can because he knows that it was him, in a different mental state to be sure, but it was him.

## 2. History and characteristics of the Defendant.

### *a. Summary and introduction*

Larry Florentine's life reflects a typical American success story. He served honorably in the military, had a beautiful family, and a promising career. Larry followed the example of his father, who had served in the Air Force, earned bachelor's and master's degrees, became a licensed pilot, and had a very successful career.

Just like his father, Larry built his success on a skill for understanding and applying complex technical knowledge, both in military and civilian life. He was married for 26 years to Caryl Wright, which resulted in the birth of two children, Amanda and Larry, Jr. Larry's success allowed him to provide for their education, with Amanda graduating from Georgia Tech University and Larry, Jr. from the Berklee School of Music. Parenthood and work solidified a deep sense of meaning and purpose for Larry during the twenty-five years he built a family life.

As Larry navigated middle adulthood, he faced profound changes in his life. In human development, middle adulthood (the social construct of "middle age") signifies the retrospective existential reflection of the past and the application of such life lessons into the future. The "midlife review" can be a "time of stocktaking, yielding new insights into the self and spurring midcourse corrections in the design and trajectory of one's life."<sup>4</sup>

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<sup>4</sup> Papalia, Diane E., Sally Wendkos Olds, and Ruth Duskin Feldman. *Human*



This era of life is normally characterized by a steady decline in physical and mental abilities, coupled with other flourishing areas, such as strengthening a sense of identity, reputation, strong social connections, and professional expertise.

For Larry, middle age life emerged as a time of disability, poor physical and mental health, failed relationships, lost career opportunities, and impaired daily functioning. At the time Larry met Nicole Zahnd, Larry was a marginally functioning individual, suffering through constant cycles of debilitating pain, doctors' appointments, physical therapy, prescription medications, and uncertainty.

The natural events and accidents in Larry's life were exacerbated by poor coping mechanisms and fateful decisions which led to an ultimately tragic outcome. Entering the next phase of his life, Larry's resentments and losses have evolved over time towards utter remorse and the necessary search for penitence. A big picture realization frames how a man who had "everything" could end up in a terribly twisted life of uncertainty, volatility, a total loss of control, and sense of abject loss.

*b. Family history*

Larry is the son of John Florentine and Rosemarie Ladagana. The Florentine-Ladagana family is of Italian ancestry with a strong Roman-Catholic tradition. Both sides of the family were from New York.

Rosemarie Florentine (Ladagana), Larry's mother, grew up in Long Island, New York. She was a graduate of Bay Shore High School and St. Joseph School of Nursing in Nashua, New Hampshire and was a homemaker most of her life. John Florentine, Larry's father, was born in May 1939 in Brooklyn, New York. John enrolled in college at a branch of the NYU system and studied electrical engineering.

John Florentine joined the Air Force in 1959. He was stationed at Griffiss Air Force Base in Rome, New York and in the military until January 1963, around two months after the Cuban Missile Crisis. After his honorable discharge from the military, John began

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*Development*. 11<sup>th</sup> Edition. New York: McGraw Hill, 2009.

working for Honeywell Corporation as a computer engineer in New York. The family remained in New York for the next four years. Just after Larry's birth, the Florentine family relocated to Houston, Texas due to John's professional opportunities.

Larry had four siblings and the family lived in New York, Texas, Rhode Island, and Massachusetts while they were growing up. Although the family relocated on multiple occasions throughout Larry's childhood, Larry's father made a lot of money, and the family was considered well-off.

John Florentine earned his civilian pilot license and bought an airplane. John would teach Larry how to operate an aircraft, as he was Mr. Florentine's first student. Mr. Florentine admits Larry was a naturally skilled aviator, even better than himself. According to John, Larry had much better hand-eye coordination than he ever did.

*c. Larry's military service*

On March 28, 1989, Larry enlisted in the United States Army and trained to become a helicopter scout pilot for the Army Aviation Branch. He was stationed near the demilitarized zone in Seoul, Korea. Larry was responsible for professional and timely support for the United Nations Command, Combined Forces Command, United States Forces Korea, and Eighth United States Army in Command. His main tasks were to plan and execute single pilot aviation missions in Korea. Additional duty involved implementing safety procedures, accident and injury reports, safety inspections, and maintenance of safety standards throughout the company.

In 1991, Larry was awarded a commendation for his superior service. He was progressing more rapidly than his peers and readily accepted additional duties. Larry had great potential and his training progression was above average, with the potential for a pilot-in-command position.

On February 27, 1991, Larry survived a helicopter crash, which caused injuries to his neck and right arm. He was operating a Bell OH-58 Kiowa helicopter when the tail rotor failed. The helicopter crashed into mountains and the impact caused the aircraft to roll. Larry suffered neck and right arm pain resulting from herniated cervical discs. After

surviving the crash, Larry followed a physical therapy program to see if his symptoms resolved.

On April 9, 1992, Larry was recognized as an outstanding pilot and was recommended as an instructor pilot for training future aviators. He was also promoted from Warrant Officer (WO1) to Chief Warrant Officer 2 (CW2).

Larry continued high levels of military achievement, even as he was grounded for much of the rating period because of his injury from the accident. Larry continued scheduling over one hundred aircraft for support during training artillery live fire exercises. Because of his excellent performance, Larry was recommended to attend the Senior Warrant Officer Training Course and recommended for promotion to Chief Warrant Officer 3 (CW3), though he left the Army before he could be promoted.

The next year, Larry exceeded expectations with his continued excellence in military service. Larry was recommended for Officer Candidate School, in addition to advanced civil and military schooling.

On April 6, 1995, Larry was commended for his continued excellent military service, while stationed at Fort Rucker. Serving as a Scout Instructor Pilot in the Army's only Initial Entry Rotary Wing (IERW), Larry exhibited exceptional performance of his duties. He had an exemplary concern for quality student learning and dedication. For his professional development, Larry completed his Bachelor of Science (Professional Aeronautics) with a 3.8 G.P.A. and entered a master's degree (M.B.A.) program. Larry excelled regardless of mission complexity, with no supervision and minimal guidance.

While stationed at Fort Rucker, Larry's leadership skills and dedication to excellence surpassed most warrant officers his senior. He was strongly advised to enter a program for advanced aircraft transition. He was a dedicated, loyal, and professional asset who as a young officer has much to offer.

On February 25, 1997, Larry was evaluated for the last time while serving in the military. Once again, Larry received high praise for his skills and professionalism in training future United States Army helicopter pilots. Larry was acknowledged to have

exceptional potential for promotion to the Chief Warrant Officer (CW3) rank.

After serving approximately an 8-year stint in the United States Army, Larry was separated from service on June 5, 1997. Larry served honorably and was medically discharged from military service. Larry filed a disability claim from injuries suffered from the helicopter accident in 1994, which resulted in two cervical spinal surgeries. The claim was granted for 10% disability. He was set to receive severance pay of \$36,633.60. His decorations included: Army Commendation Medal (2<sup>nd</sup> Award), Army Good Conduct Medal, National Defense Service Medal, Army Service Ribbon, Overseas Service Ribbon (2<sup>nd</sup> Award), and Army Aviator Badge. His final rank at the time of discharge was CW 2 (Chief Warrant Officer).

*d. Larry's employment after the military*

Larry fulfilled his commitment to the United States Army on June 5, 1997, and began working full time to support his new family. In 1997-1998, Larry relocated the family from Alabama to Fernandina Beach, Florida and began working for Jefferson Smurfit Company, a manufacturer of paper-based packaging. The family lived there for about a year, until they moved to Hickory, North Carolina.

Early in his professional career, Larry entered the telecommunications industry. After relocating to North Carolina, Larry began working for Corning Glass, a fiber optics manufacturer. Larry specialized in technological infrastructure through the development, construction, and operation of fiber optics networks.

Around 2001, the family relocated to Gainesville, Georgia. In 2005, Larry was working as a sales engineer for PPC Corporation. In 2008, the family moved to Dawsonville, Georgia. Larry was involved in installing fiber optic lines for various companies, most notably, Google. He was a successful entrepreneur with a thriving business, had a wife and two children, and lived in nice houses located within various affluent neighborhoods.

In 2014, the family moved to Colorado for Larry's work. In January 2016, Larry relocated the family to South Carolina, to be closer to their east coast family, at his wife

Caryl's request. At the time, Larry gave up a corporate position for an independent consulting role in fiber optic networks. This change reduced his yearly income to one-third of what he had been earning.

On January 6, 2017, Larry opened his private business, YRRAL, Inc., and began operating the company in South Carolina. Business operations were compromised by Larry's unraveling family life, which consumed his physical health, mental wellness, and most calculably, personal finances and income potential. For the next year, Larry and Caryl struggled through their marriage, until finally, they were living as a separate couple, beginning on June 22, 2017.

*e. Larry's significant medical history*

Larry has a long and documented history of preexisting medical conditions and treatment interventions. Larry's adult medical treatment began under the Veteran's Administration system, during his service with the United States Army. Larry has had several spinal injuries and surgeries, a badly healed left shoulder fracture, psoriasis, arthritis, hypogonadism, hyperlipidemia, obesity, and depressive disorder.

After being injured in the helicopter crash mentioned earlier, Larry tried non-surgical ways to improve his spinal condition. For approximately three years, he avoided spinal surgery, holding out for a chance to use physical therapy to resolve the weakness and pain he experienced. However, the issues persisted until he was finally forced to have surgery. In 1994, Larry had an anterior cervical discectomy and fusion at the C6-C7 level.

Approximately two years after his first cervical fusion surgery in July 1994, doctors began examining Larry for possible complications from the procedure. Doctors found fusion at C6-C7 and early degenerative disc disease at C5-C6. Because of degenerative joint disease of the cervical spine, Larry underwent orthopedic surgery at the end of 1996.

In 1997, Larry's condition continued worsening and his neck and right arm pain returned. The condition worsened to the point of being incapable of functioning as a helicopter pilot. His pain continued, and medical treatment was sought. Because of his cervical spine issues, Larry filed a disability claim with the United States Army and

received both a disability rating and severance pay.

On January 12, 2005, Larry had yet another spinal surgery. Specifically, the procedure involved hemilaminectomy, foraminotomy, and posterior cervical microdiscectomy of the spinal area. After three surgeries, he would experience some pain over the next decade but worked at physical therapy to avoid further surgery.

On August 31, 2016, for Larry and his wife Caryl's 25<sup>th</sup> wedding anniversary, the family traveled to Europe. On the third day of the trip, Larry slipped and fell, hitting his head on a cement wall. When Caryl and the children decided to leave Larry and spend the next ten days traveling on their own, he was disappointed and took a return flight back to the United States. Upon his return, Larry scheduled a doctor's visit and learned how serious his injury was. After being referred to a neurosurgeon, Larry was required to have another cervical fusion surgery.

Caryl, as Larry's long-time spouse of over twenty years, noticed Larry's declining health condition. After the trip to Europe, the couple suffered marital difficulties and separated. Because of the repeated back surgery and accompanying pain, Larry's medical issues were beginning to interfere with the life he had built. He was suffering from a worsening health condition, a failing marriage, and financial ruin. Larry's first major suicide attempt occurred shortly after Caryl left.

In June of 2017, Larry began suffering left arm numbness. This led to another surgery: decompression and fusion at the C3-C4 region of the spine. The surgery immediately improved his pain so much that he was not interested in any pain medications. However, the relief from pain would not last and a sixth surgery was required shortly after the fifth surgery.

At the end of August and beginning of September 2017, Larry was hospitalized for debilitating arm pain. He had another operation, a posterior decompression via laminectomy and fusion, which was Larry's fifth spinal surgery. After two days of hospitalization, Larry was discharged.

Larry suffered an accidental fall down a set of stairs, injuring his left hip on

September 12, 2019. On February 28, 2020, Larry had another accidental fall requiring medical treatment.

*f. Larry's mental health history*

Larry had little to no mental health issues for much of his life. Around the time of the fall in Europe that was discussed earlier, he started suffering some depression. It does not appear he healed from the surgery right before the fall, and the fall aggravated an already painful situation. As the Court may know, back surgery is a serious and often painful surgery. Larry went through it many times, resulting in an incredible amount of trauma to his body. After the fall in Europe, Larry's wife left him.

The ongoing pain from multiple back surgeries and the failed marriage sent Larry into a depression. By March of 2018 he was experiencing depression and severe anxiety. Shortly before the events that landed Larry in this courtroom, his mental health issues came to a head.

Larry's quick marriage to Zahnd is described above. When Larry got away to Connecticut, he was diagnosed with bipolar disorder and prescribed lithium, which he ultimately elected not to take. By May of 2020, just days before the murder, Larry was hospitalized for psychiatric issues at the VA Hospital in Asheville, North Carolina. He had called a suicide crisis hotline the prior evening and visited the hospital the following day.

During the hospitalization, it was clear Larry was suffering from a severe drug problem and suicidal ideation. By this point he had lost nearly everything. On June 3, 2020, Larry was discharged after receiving emergency psychiatric care with temporary resolution of his suicidal ideation.

At his discharge, Larry informed medical staff he was in possession of a methamphetamine pipe, which he handed over to law enforcement. *Medical staff informed Larry that Zahnd had called and would be providing transportation for him, which Larry refused.* He requested a police escort into the parking lot to his car because Zahnd was waiting outside (she had been sitting there for 5 hours). Larry was supposed to drive to Florida. A follow up appointment at Bay Pines V.A. Medical Center was



scheduled for June 8, 2020. Larry was provided a list of support groups for substance abuse recovery. As described earlier, Larry knew how dangerous the relationship was and still allowed himself to be lured back into it.

Having recognized how toxic the relationship with Zahnd was, Larry knew it was time to move on and began making efforts to just that. Unfortunately, he ended up with her again, making a last attempt at reconciliation. His addiction issues and growing mental instability created a volatile combination.

### **Respect for the law**

The United States Supreme Court approved a district court's recognition that "a sentence of imprisonment may work to promote not respect, but derision, of the law if the law is viewed as merely a means to dispense harsh punishment without taking into account the real conduct and circumstances involved in sentencing." *Gall v. United States*, 552 U.S. 38, 54 (2007).

Larry's requested sentence considers the real conduct in this case. It remains a harsh punishment but reflects the fuller picture of this relationship and the resulting death. As part of his request, he is asking the Court to vary downward to make up for the 10-year mandatory consecutive fire sentence he has challenged since prior to the plea. Larry incorporates by reference the arguments from all his filings here.

In summary, Congress has recognized the danger fire adds to the commission of a crime. As argued in previous filings, nearly every case involving this statutory enhancement involves a crime like fraud, which rarely involves any physical danger. Fraud-related sentencing schemes are driven by the amount of loss and the specific nature of the fraudulent sentencing scheme. Yet those schemes are far more dangerous than typical when fire is used to carry out such a scheme.

Fire had little to do with the instant case. Despite factual disputes between the parties, this case centers around a killing and that killing did not involve fire. The Sentencing Commission has set a sentence for this crime in line with what Florentine requests. The addition of the statutory enhancement for fire nearly doubles that sentence,

despite the fact this crime and its underlying facts are not at all the type of scenario that statute was intended for.

To impose a sentence as harsh as that called for by adding in the fire enhancement does not reflect the views on punishment of either Congress or the Sentencing Commission. Instead, like the concern addressed in *Gall*, it simply satisfies the desire for harsh and retributive punishment, regardless of what actually happened in the case.

### **Just punishment for the offense**

A “just punishment” can be elusive. While the guidelines offer a mathematical starting point for an advisory prison sentence, they often fail to account for the “real conduct and circumstances” referenced in the *Gall* opinion. It is that concern that ultimately led to the guidelines becoming advisory and allowing this Court the discretion to individually tailor a sentence to an offender.

The requested sentence in this case honors the sentencing maxim that a sentence should be sufficient, but not greater than necessary. It accounts for the fact that fire was not used to commit this crime and an additional ten years for the use of fire does not serve any sense of justice as contemplated by the federal sentencing system. It also adjusts the sentence to better match the real facts of this case.

### **Adequate deterrence to criminal conduct**

Larry freely admits he had multiple opportunities to escape the volatile situation he was in and create a better end to this story. There was treatment and services available to him, as well as family support to help him transition from a toxic relationship to a more peaceful existence.

The requested sentence is less than the PSR recommends, but certainly long enough to deter those who do not take the proper avenues to escape bad situations. Even the requested sentence will serve as an example for how to best deal with difficult situations.

### **Protecting the public from further crimes of the Defendant**

Larry has no violent history. As explained in previous sections, any violence in this

case resulted from a toxic relationship mixed with drug addiction and mental health issues. Any sentence imposed by the Court will be more than adequate to serve this sentencing factor.

**Need for educational/vocational training, medical care, or other corrective treatment.**

Larry is well-educated, has extensive business experience, and clearly able to contribute to society. At his age, the requested sentence would allow drug treatment, but also let him out early enough to spend his final years contributing to society. Larry will be an asset in a federal correctional setting as he would love to teach and assist others with their education.

**PREVIOUS TIME-SERVED CONSIDERATIONS**

Florentine has served time in pretrial detention for state charges that were adopted by federal law enforcement and resulted in these charges. He was initially arrested on state charges on July 24, 2020. Larry was in state custody for 27 months prior to federal adoption and that time is both directly related to this conviction and has been credited to no other sentence.

According to Bureau of Prisons Program Statement 5880.28<sup>5</sup> and 18 U.S.C. § 3585(b) credit shall be given for all time resulting from any other charge for which a defendant was arrested after commission of the offense for which the sentence was imposed and which has not been credited to any other sentence. This applies to the time Larry spent in state custody prior to his state charges being dismissed in favor of federal prosecution and he should receive all credit for time served since July 24, 2020.<sup>6</sup>

**CONCLUSION**

Florentine respectfully requests this Court grant a variance and sentence him to

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<sup>5</sup> Located at [https://www.bop.gov/policy/progstat/5880\\_028.pdf](https://www.bop.gov/policy/progstat/5880_028.pdf) (last accessed April 1, 2024)

<sup>6</sup> Counsel is aware the Bureau of Prisons is responsible for determining time served but has included this section to ensure the proper calculations are in the record in case they are later needed.

144 to 240 months in federal prison. Based on all the factors discussed in this memo this sentence is sufficient punishment for the crimes committed, but not greater than necessary in light of the sentencing factors. Larry Florentine lived more than an innocent life until shortly before this crime; he lived an exemplary life. While he must be punished for his action, the Court should temper that punishment with the many years Larry spent as a highly contributing member of society.

Respectfully Submitted,

**s/ Joshua Snow Kendrick**

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